

REMARKS/ARGUMENTS

Responsive to the Office Action mailed August 25, 2004:

I. NON PRIOR ART MATTERS

- A. The Office Action provisionally rejected claims 1-19 under the judicially-created obviousness-type double patenting rejection over claims 1-27 of co-pending Application Serial No. 10-793131.

Applicant encloses herein a Terminal Disclaimer thus overcoming the non-statutory obviousness-type rejection.

II. PRIOR ART MATTERS

- A. The Office Action rejected claims 15 and 16 under 35 USC 102(b) as being anticipated by Tentler 6,125,833. Applicant respectfully traverses this rejection.

A single prior art reference anticipates a claimed invention only if it discloses each and every claim element.¹

As to claim 15, Tentler does not disclose a padded layer and a substantially non-stretchable layer coupled with the padded layer.

The Examiner is incorrect in stating that item 42 is a non-stretchable layer. There is no disclosure in Tentler as to this limitation. Col. 4 lines 7-9 of Tentler state that 42 is "a soft cushion insert...to maximize comfort."

As to claim 16, Tentler does not disclose a third layer coupled with said substantially non-stretchable layer.

Claims 15 and 16 are therefore allowable.

- B. The Office Action rejected claims 17-19 under 35 USC 103(a) as being unpatentable over Summers in view of Hickman. Applicant respectfully traverses the rejection.

The Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness.² If the Examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of non-obviousness.³

¹ *Structural Rubber Prod. Co. v. Park Rubber Co.*, 749 F.2d 707, 223 USPQ 1264 (Fed. Cir. 1984)

² MPEP Sec. 2142.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.⁴

Applicant respectfully traverses the § 103 rejection because the office action has not established a *prima facie* case of obviousness.

The references do not teach or suggest all the claim limitations.

As to amended claim 17, the references even if combined do not disclose:

A strap for a bow string release comprising a substantially v-shaped strap having a first end and a second end, said second end being provided with a means for maintaining the second end in a semi-closed position relative to said first end, wherein said means for maintaining the second end in a semi-closed position relative to said first end is removable from said first end.

The Office Action states that Hickman discloses "a member 21 extending between the ends of form a loop, which keeps the ends together when they are disengaged, so it is easier to re-fasten the ends."

The member 21 of Hickman is not removable from either end of the wrist strap.

Furthermore, there would be no motivation for one of ordinary skill in the art to combine Hickman with Tentler, because the combination would not result in a strap that has both a means for maintaining the second end in a semi-closed position relative to the first end and also wherein the second end is still removable from the first end.

As to amended claim 18, the references even if combined do not disclose:

A strap for a bow string release comprising a first end of said strap, a second end of said strap, said first end and said second end in a semi-closed relationship and said first end being removable from said second end.

³ Id.

⁴Id. (emphasis supplied)

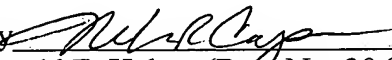
The member 21 of Hickman is not removable from either end of the wrist strap.

Furthermore, there would be no motivation for one of ordinary skill in the art to combine Hickman with Tentler, because the combination would not result in a strap having a first end and a second end in a semi-closed relationship and said first end being removable from said second end.

New claims 20-27 are also patentable over the cited references and do not introduce new matter.

For the above reasons, Applicant respectfully requests the allowance of all claims and the issuance of a Notice of Allowance.

Respectfully submitted,

By 
Gerald E. Helget (Reg. No. 30,948)
Nelson R. Capes (Reg. No. 37,106)
Briggs & Morgan P.A.
80 South Eighth Street
2200 IDS Center
Minneapolis, MN 55402
Telephone: (612) 977-8480